

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 30, 2000
Date of Deposit
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TRANSMITTAL OF APPEAL BRIEF

ATA/mjt

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I. REAL PARTY OF INTEREST

The real party of interest of this appeal is eFusion Corporation of 14600 Greenbrier Parkway, Beaverton, California, 97006.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals and interferences known to appellant or appellant's legal representative, or assignee which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

Claims 1 - 32 were originally presented for examination in the application. All 38 claims remain pending. Claims 5, 12, 26-28 and 31-32 have subsequently been cancelled, and remaining claims 1-4, 6-11, 13-25 and 29-30 have been amended. Amended claims 1-4, 6-11, 13-25 and 29-30 are now pending, and stand finally rejected (final office action dated December 20, 1999 and advisory action dated March 20, 2000).

IV. STATUS OF AMENDMENTS

There are no amendments to be entered. The claims presented on appeal remain the same as they stood finally rejected.

V. SUMMARY OF THE INVENTION

The present invention is directed towards a novel method and apparatus for providing added content to a content requesting client system (see e.g. abstract). The desired provision of added content to the content requesting client system is effectuated through the employment of a bridge server (e.g. 115 of Fig. 1), that is separate and distinct from the content server (e.g. 125 of Fig. 1) against which the client system (e.g. 105 of Fig. 1) requests for content.

In one embodiment, the present invention calls for the bridge server intercepting a request submitted by a client system for a content server (p. 8, line 16), providing the client system with added content (p. 9, lines 5-6), marking up the original request, and returning the marked up request to the client system (p. 9, lines 9-10). The client system re-submits the marked up request (p. 9, line 16). Upon re-intercepting the re-submitted request, the bridge server removes the marking, and forwards the original request onto the intended or targeted network server (p. 9, lines 19-21).

Marking involves annotating the original request, e.g. annotating an original URL of "description.HTML" with "bp001" (identifier of the intercepting bridge server), transformation the original URL to "description.HTML.bp001" (p. 15, line 21 – p. 16, line 2). The marking denotes for the bridge server, on re-interception, that added content has been provided (p. 9, lines 11-12).

VI. ISSUES

1. Whether Claims 1-3, 19-21, 24 and 29 are patentable under 35 U.S.C. §102(e) in view of Merriman (USP 5948061)?
2. Whether Claims 1-3, 19-21, 24 and 29 are patentable under 35 U.S.C. §102(e) in view of Angies (USP 5933811)?
3. Whether Claims 4, 6-11, 13-18, 22-23, 25 and 30 are patentable under 35 U.S.C. §103 in view of Merriman, Gabber (USP 5961593) and Rondeau (USP 5850433) combined?

VII. GROUPING OF CLAIMS

Group I. Claims 1-4, 6-11, 17-18, 19-22.

Group II. Claims 24-25 and 29-30.

Group III Claims 13-16 and 23

Applicants acknowledge that the pending claims will stand or fall together as grouped above.

VIII. ARGUMENT

Issue-1: Whether Claims 1-3, 19-21, 24 and 29 are patentable under 35 U.S.C. §102(e) in view of Merriman (USP 5948061)?

Group I Claims (i.e. 1-3, 19-21)

The Examiner erred in reading “the provision of advertisement by advertising server 19” as having anticipated the required limitations of the claimed bridge server.

Taking the language of claim 1 as an example. The first clause recites “receiving by said bridge server from a client system a request for content targeting a network server”, whereas the second clause recites “providing by said bridge server, ... in addition to the requested content to be provided by [the] network server (emphasis added). In accordance with the plain meaning of these terms (and as explained in the specification also), the first limitation requires the bridge server (who provides the added content, per the second clause) to receive **the request** that the client system submits to request content from the targeted network server. Further, the second limitation requires the bridge server to provide the added content as an addition to the content **to be provided by the network server**. That is the bridge server does not provide the requested content.

As an example, if a client system requests the home page of the U.S. Patent and Trademark Office (PTO), under the present invention, in accordance with the recited limitation, the bridge server receives “www.uspto.gov”, the request the client system submitted to request the home page from the US PTO. Further, the bridge server does not provide the US PTO home page, which is to be provided by the requested US PTO site.

In contrast under Merriman, the client (ref. 16) transmits a message (ref. 20) to the content web site (ref. 12) to request content. In addition to the provision of the requested content (ref. 22), content web site (ref. 12) includes with the requested

content a “link” with the address of the ad server (ref. 19) to the client. The client in turn, using the provided “link”, submits a second request (ref. 23) for the advertisement. In response, the ad server (ref. 19) sends the requested advertisement (ref. 24) to the client. (See e.g. col. 3, lines 23-62; please note in particular lines 41-49 where the content of the second request for advertisement is described.)

As explained in Applicants response to the final office action, assuming the advertisement is the “added content”, and ad server (ref. 19) is the provider of the added content, Merriman did not teach the ad server (ref. 19) receiving the original content request targeting or addressing the affiliate web site. Accordingly, Merriman did not teach the required ***receive by the added content provider the [original] request for content.***

If we equate the “link to the ad server” as the “added content” and the affiliate web server is the provider of the “added content” instead, since the affiliate web server provides the requested content, the affiliate web server did not provide the “added content” as an addition to the requested content to be provided by another server.

Accordingly, neither ad server (ref. 19) nor any other element in Merriman can be read as having anticipated the limitations of claim 1. Therefore, claim 1 is patentable over Merriman.

Independent claim 19 contains the same limitations as claim 1. Therefore, for at least the same reasons, claim 19 is also patentable over Merriman.

Claims 2-3 and 20-21 are dependent on claims 1 and 19 respectively, incorporating their respective limitations. Therefore, by virtue of at least their dependency, claims 2-3 and 20-21 are also patentable over Merriman.

Group II Claims (i.e. 24 and 29)

The Examiner erred in reading the “ad server link” provided by an affiliate web server as having anticipated the required “marked up request” recited in claim 24, and

the “request for advertisement” transmitted by a client system as having anticipated the required re-transmission of the “marked up request” recited in claim 29.

Claim 24 recites the required limitation of “marking up by the bridge server the received request and returning the marked up request to the client system for re-submission”. In accordance with the plain meaning of the terms (and as explain by the specification also), the recited limitation requires ***the (original) request*** be marked up, and returned to the client system. As noted in the summary above, an example of annotating or transforming an original content request of “description.html” to “description.html.bp001” was given in the specification as example of what “marking up the original request” means.

As discussed earlier, under Merriman, a “link to the ad server” is returned to the client. The original request, e.g. “www.uspto.gov” is not “marked up” as “www.uspto.gov + mark up” and returned to the client.

Accordingly, Merriman did not anticipate the required “mark up” limitation recited in claim 24. Therefore, claim 24 is patentable over Merriman.

Similarly, the second request submitted by the client system is a message containing the IP address of the ad server and other information (see col. 3, lines 41-49). It is not the original request plus mark up, such as “www.uspto.gov + mark up”.

Accordingly, Merriman did not anticipate the required “resubmission of the marked up (original) request” limitation recited in claim 29. Therefore, claim 29 is patentable over Merriman.

Issue-2. Whether Claims 1-3, 19-21, 24 and 29 are patentable under 35 U.S.C. §102(e) in view of Angles (USP 5933811)?

Group I Claims (i.e. 1-3, 19-21)

The Examiner made the same error of reading “the provision of advertisement by the advertisement provider” as having anticipated the required limitations of the claimed bridge server.

Similar to Merriman, under Angles, a client system sends a first request to a content provider for content. The content provider returns the requested content with a “link” to an advertisement provider. The client system executes the link submitting a second request to the advertisement provider requesting the advertisement. The advertisement provider in response provides the advertisement.

As in Merriman, the advertisement provider, the provider of the “added content”, does not receive the original request to the content provider for content. Similarly, even if the “link to the advertisement provider” provided by the content provider is considered as the “added content”, the content provider does not provide the “added content” as addition to “the requested content to be provided by another server”. The content provider also provided the requested content.

Accordingly, for the same reasons, Angles failed to anticipate the recited limitations in claims 1 and 19. Therefore, claims 1 and 19 are patentable over Angles.

Again, by virtue of their dependency on claims 1 and 19, claims 2-3 and 20-21 are also patentable over Angles.

Group II Claims (i.e. 24 and 29)

The Examiner made the same error in reading the “ad server link” provided by the content server as having anticipated the required “marked up request” recited in claim 24, and the “request for advertisement” transmitted by a client system as having anticipated the required re-transmission of the “marked up request” recited in claim 29.

Similar to Merriman, in response to the request for content, the content provider merely provides in addition to the request content, “a link to the advertisement provider”. For the same reasons discussed earlier under Merriman, such “link” is not a “marked up version” of the “original request for content”. Accordingly, for the same

reasons, Angles failed to anticipate the required "mark up" limitation of claim 24. Claim 24 is therefore patentable over Angle.

In like manner, the second request submitted by the client for advertisement is not a marked up version of the original request for content. Accordingly, Angles failed to anticipate the required 're-transmission of the marked up (original) request" limitation recited in claim 29. Thus, for the same reason as Merriman, claim 29 is patentable over Angles.

Issue-3. Whether Claims 4, 6-11, 13-18, 22-23, 25 and 30 are patentable under 35 U.S.C. §103 in view of Merriman, Gabber (USP 5961593) and Rondeau (USP 5850433) combined?

Group I. Claims 4, 6-11, 17-18, 22.

The Examiner made at least the same error as in his rejection of claims 1-3, and 19-21. That is, for the reasons discussed earlier, claims 1 and 19 are patentable over Merriman. Since claims 4, 6-11, 17-18 and 22 are dependent on either claims 1 or 19, incorporating their limitations, thus, for at least the same reasons, claims 4, 6-11, 17-18 and 22 are patentable over Merriman. Neither Gabber nor Rondeau, individually or in combination, cure the above discussed deficiencies of Merriman, therefore claims 4, 6-11, 17-18 and 22 remain patentable over Merriman, Gabber and Rondeau combined, even if the Examiner was correct in his reading of Gabber and Rondeau.

Group II. Claims 25 and 30.

The Examiner made at least the same error as in his rejection of claims 24 and 29. That is, for the reasons discussed earlier, claims 24 and 29 are patentable over Merriman. Since claims 25 and 30 are dependent on claims 24 and 29 respectively, incorporating their respective limitations, thus, for at least the same reasons, claims 25 and 30 are patentable over Merriman. Neither Gabber nor Rondeau, individually or in combination, cure the above discussed deficiencies of Merriman, therefore claims 25

and 30 remain patentable over Merriman, Gabber and Rondeau combined, even if the Examiner was correct in his reading of Gabber and Rondeau.

Group III Claims 13-16 and 23

The Examiner made at least the same two errors as in his rejection of claims 1-3, 19-21, 24 and 29. That is, for the reasons discussed earlier, claims 1, 19, 24 and 29 are patentable over Merriman. Since claims 13-16 and 23 are dependent on either claims 1 or 19, incorporating their limitations, as well as recite the same limitations of claims 24 and 29, thus, for at least the same reasons, claims 13-16 and 23 are patentable over Merriman. Neither Gabber nor Rondeau, individually or in combination, cure the above discussed deficiencies of Merriman, therefore claims 13-16 and 23 remain patentable over Merriman, Gabber and Rondeau combined, even if the Examiner was correct in his reading of Gabber and Rondeau.

IX. CONCLUSION

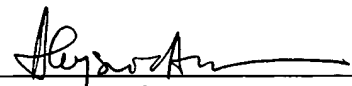
In view of the foregoing, Appellants submit that the Examiner's basis of rejections is faulted. Accordingly, the Examiner's conclusions are unsupported. Therefore, Appellants respectfully request the Examiner's final rejections be reversed, and the Examiner be instructed to allow ALL remaining pending Claims, 1-4, 6-11, 13-25 and 29-30.

Respectfully Submitted

Blakely, Sokoloff, Taylor & Zafman, LLP

Date: May 30, 2000

By: _____


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APPENDIX

TEXT OF CLAIMS PRESENTED ON APPEAL

1 1. (Once Amended) In a bridge server, a method comprising:
2 receiving by said bridge server from a client system a request for content targeting
3 a network server; and
4 providing by said bridge server, in response to said received request, additional
5 content to the client system, in addition to the requested content to be provided by
6 network server.

1 2. (Once Amended) The method of claim 1 wherein said providing comprises providing
2 by said bridge server, additional information regarding said network server to said client
3 system.

1 3. (Once Amended) The method of claim 1, wherein said providing comprises providing
2 by said bridge server said additional content to said client system without altering the
3 substance of the requested content to be provided by said network server.

1 4. (Once Amended) The method of claim 1, further comprising checking by said bridge
2 server whether additional content corresponding to said network server exists.

1 Claim 5 cancelled.

1 6. (Once Amended) The method of claim 1, wherein said additional content comprises an
2 option for making a telephone call.

1 7. (Once Amended) The method of claim 6, wherein said option for making a telephone
2 call is an option allowing a user of the client computer system to make the telephone call
3 without having to provide the destination telephone number by the user.

1 8. (Once Amended) The method of claim 6, wherein said option for making a telephone
2 call is an option allowing a user of the client system to make the telephone call without
3 terminating a current network communication session of the client system.

1 9. (Once Amended) The method of claim 1, wherein the method further comprises
2 automatically establishing and facilitating a voice call to a PSTN handset by the network
3 server in response to a user of the client system selecting the additional content.

1 10. (Once Amended) The method of claim 1, wherein said providing comprises providing
2 an identifier of the additional content to the client system, as opposed to the additional
3 content itself.

1 11. (Once Amended) The method of claim 10, wherein the identifier of the additional
2 content comprises a Uniform Resource Locator (URL) corresponding to the additional
3 content.

1 Claim 12 cancelled.

1 13. (Once Amended) The method of claim 1, further comprising returning by the bridge
2 server to the client system, a marked version of the received request for re-submission by
3 the client system.

1 14. (Once Amended) The method of claim 13, further comprising

2 receiving by the bridge server, the marked version of the request re-submitted by
3 the client system;
4 removing by the bridge server, the marking from the re-submitted request; and
5 forwarding the request to the network server.

1 15. (Once Amended) The method of claim 13, wherein the marked version of the request
2 comprises a Uniform Resource Locator (URL) corresponding to the request, appended
3 with additional characters identifying the bridge server as the marking bridge server.

1 16. (Once Amended) The method of claim 1, said providing comprises returning by the
2 bridge server a HyperText Markup Language (HTML) page to the client system, wherein
3 the HTML page includes a marked version of the request for re-submission by the client
4 system.

1 17. (Once Amended) The method of claim 1, said providing comprises returning by said
2 bridge server a HyperText Markup Language (HTML) page to the client system, wherein
3 the HTML page includes an identifier of the additional content for the client system to
4 retrieve the additional content.

1 18. (Once Amended) The method of claim 1, said providing comprises returning a
2 HyperText Markup Language (HTML) page to the client system, wherein the HTML
3 page includes the additional content.

1 19. (Once Amended) A bridge server comprising:
2 control logic operative to receive a request for content from a client system
3 targeting a network server, and to check whether additional content is to be provided to

4 the client system, in addition to the requested content to be provided by the network
5 server; and
6 content-adding logic, coupled to the control logic, operative to provide the
7 additional content to the client system if it is to be additionally provided.

1 20. (Once Amended) The bridge server of claim 19, wherein the content-adding logic
2 provides an identifier of the additional content to the client system, for the client system
3 to retrieve the additional content instead.

1 21. (Once Amended) The bridge server of claim 20, wherein the identifier comprises a
2 Uniform Resource Locators (URL).

1 22. (Once Amended) The bridge server of claim 19, wherein the bridge server further
2 comprises logic operative to automatically establish and facilitate a voice call to a PSTN
3 handset in response to selection of the additional content by a user of the client system.

1 23. (Once Amended) The bridge server of claim 19, wherein the control logic is further
2 operative to mark up the request, return the marked up request to the client system for re-
3 submission, and upon re-receive of the marked up request, remove the marking, then
4 forward the request to the targeted network server.

1 24. (Once Amended) In a bridge server, a method comprising:
2 receiving by the bridge server a request for content from a client system targeting
3 a network server; and
4 marking up by the bridge server the received request and returning the marked up
5 request to the client system for re-submission.

1 25. (Once Amended) The method of claim 24, wherein the method further comprises re-
2 receiving by the bridge server the marked up request from the client system, removing the
3 marking, and forwarding the request to the targeted network server.

1 Claim 26 – please without prejudice, cancel the claim.

1 Claim 27 – please without prejudice, cancel the claim.

1 Claim 28 – please without prejudice, cancel the claim.

1 29. (Once Amended) A client system comprising:
2 control logic operative to transmit a request that targets a network server and to
3 re-transmit the request in a marked up form, upon receiving return of the request in said
4 marked up form from a bridge server.

1 30. (Once Amended) The client system of claim 29, wherein the control logic is further
2 operative to transmit another request for additional content, upon receipt of an identifier
3 of the additional content from a bridge server provided in response to the first
4 transmission of the request.

Claims 31-32 cancelled.

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FEE TRANSMITTAL for FY 2000

*Patent fees are subject to annual revision.
Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
See 37 C.F.R. §§ 1.27 and 1.28.*

TOTAL AMOUNT OF PAYMENT (\$) 150.00

Complete if Known

Application No.	08/818,771
Filing Date	March 14, 1997
First Named Inventor	Mojtaba Mirashrafi
Examiner Name	Nguyen, S.
Group/Art Unit	2731
Attorney Docket Number	002784.P001

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees to:
- ☒ The Commissioner is hereby authorized to credit any over payments to:

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Account
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02-2666

Deposit
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Name

Blakely, Sokoloff, Taylor & Zafman LLP

☒ Charge Any Additional Fees Required Under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

2. ☒ Payment Enclosed:
- ☒ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	690	201	345	Utility filing fee	
106	310	206	155	Design filing fee	
107	480	207	240	Plant filing fee	
108	690	208	345	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent	Multiple	Independent	Multiple	Independent	Multiple	Independent	Multiple

***or number previously paid, if greater, For Reissues, see below*

Large Entity Small Entity

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	78	202	39	Independent claims in excess of 3	
104	130	204	130	Multiple Dependent claim, if not paid	
109	78	209	39	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

FEE CALCULATION (continued)

3. ADDITIONAL FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	380	216	190	Extension for response within second month	
117	870	217	435	Extension for response within third month	
118	1,210	218	680	Extension for response within fourth month	
128	1,850	228	925	Extension for response within fifth month	
119	300	219	150	Notice of Appeal	
120	300	220	150	Filing a brief in support of an appeal	150.00
121	260	221	130	Request for oral hearing	
138	1,510	138	1510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,210	241	605	Petition to revive - unintentional	
142	1,210	242	605	Utility issue fee (or reissue)	
143	430	243	215	Design issue fee	
144	580	244	290	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	790	246	395	Filing a submission after final rejection (37 CFR 1.129(a))	
149	790	249	395	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify) _____

Other fee (specify) _____

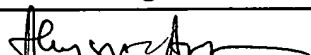
* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 150.00

SUBMITTED BY

Typed or Printed Name **Aloysius T.C. AuYeung**

Signature



Date

5/30/97

Complete (if applicable)

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